

CASE

NUMBER:

99-411

INDEX FOR CASE: 1999-411UAC

AS OF : 03/03/00

KENTUCKY CGSA, INC., DBA BELLSOUTH MOBILITY, WESTEL-MILWAUKEE, BSC

Construct

CELL SITE - 1100 ARMSTRONG MILL ROAD - TATES CREEK - LEXINGTON

IN THE MATTER OF THE APPLICATION OF CROWN COMMUNICATION INC.,
 NPCR, INC. AND KENTUCKY CGSA, INC. FOR ISSUANCE OF A
 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT
 A WIRELESS COMMUNICATIONS FACILITY AT 1100 ARMSTRONG MILL
 ROAD, LEXINGTON, KY 40515

IN THE WIRELESS COMMUNICATIONS LICENSE AREA

IN THE COMMONWEALTH OF KENTUCKY

IN THE COUNTY OF FAYETTE

SITE NAME: TATES CREEK

SEQ NBR	ENTRY DATE	REMARKS
0001	✓10/13/1999	Application.
0002	✓10/15/1999	Acknowledgement letter.
M0001	✓10/18/1999	MARY COOK CITIZEN-LETTER OF CONCERN TO PLACEMENT OF TOWER
M0002	✓10/25/1999	CHARLES WARREN CITIZEN-LETTER OF CONCERN TO PLACEMENT OF TOWER
0003	✓10/26/1999	No deficiencies letter
0004	✓11/01/1999	Letter to Charles Warren re: cell tower site.
0005	11/01/1999	Letter to Mary E. Cook on 10/28 re: cell tower site.
0006	11/01/1999	Letter to Richard Guittar on 10/26 re: protest by Mary E. Cook.
0007	11/01/1999	Letter to Lloyd McCarthy re: protest from Charles Warren and Mary E. Cook.
M0003	11/17/1999	CROWN COMMUNICAITONS DAVID PIKE-FIRST AMENDMENT TO APPLICATION
M0004	✓12/10/1999	RONDA LUCAS PLANNING COMM OF LEX FAY-FINDINGS OF PLANNING COMMISSION TO CELL SITE LOCATION
M0005	12/16/1999	DAVID PIKE CROWN COMMUNICATIONS-MOTION TO SUBMIT
0008	✓03/03/2000	Final Order granting a Certificate to construct.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
211 SOWER BOULEVARD
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-411 UAC
KENTUCKY CGSA, INC., DBA BELLSOUTH MOBILITY, WESTEL-MILWAUKEE, BSC

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on March 3, 2000.

See attached parties of record.

Stephanie J. Bell

Secretary of the Commission

SB/hv
Enclosure

Lloyd McCarthy
Crown Communication Inc.
11001 Bluegrass Parkway, Suite 330
Louisville, KY. 40299

Richard Guittar
Director-Operations/Engineering
BellSouth Mobility
1650 Lyndon Farms Court
Louisville, KY. 40223

Honorable Sam G. McNamra
Attorney at Law
McNamara & Jones
315 High Street
P. o. Box 916
Frankfort, KY. 40602

Honorable David A. Pike
Attorney at Law
Pike Legal Group
200 South Buckman Street
P. O. box 369
Shepherdsville , KY. 40165 0369

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Lexington, KY. 40507 1361

Steve Skinner
Manager of External Affairs
Kentucky CGSA, Inc., dba Bellsouth
Mobility, Westel-Milwaukee, BSCC of IN
1100 Peachtree Street
Room 809
Atlanta, GA. 30309

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION)
INC., NPCR, INC. AND KENTUCKY CGSA, INC.)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT)
1100 ARMSTRONG MILL ROAD, LEXINGTON, KY)
40515 IN THE WIRELESS COMMUNICATIONS)
LICENSE AREA IN THE COMMONWEALTH OF)
KENTUCKY IN THE COUNTY OF FAYETTE)
SITE NAME: TATES CREEK)
SITE NUMBER: KY 114)

CASE NO.
99-411-UAC

O R D E R

On October 13, 1999, Crown Communication Inc. ("Crown"), NPCR, Inc. d/b/a Nextel Partners and Kentucky CGSA, Inc. d/b/a BellSouth Mobility, Inc. (collectively, the "Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 1100 Armstrong Mill Road, Lexington, Fayette County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 58' 46.75" by West Longitude 84° 29' 36.22".

Crown has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Licensed Professional Engineer.

Pursuant to KRS 100.987, the Applicants have submitted a uniform application to the local planning unit for review. The Lexington-Fayette Urban County Government, Division of Planning, approved the proposed construction. The Applicants have filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. The Commission received several public comments regarding the proposed construction. However, no requests for intervention or a public hearing have been filed.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Crown should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Crown.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary

to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The facility is to be located at 1100 Armstrong Mill Road, Lexington, Fayette County, Kentucky. The coordinates for the facility are North Latitude 37° 58' 46.75" by West Longitude 84° 29' 36.22".

2. The Applicants shall file a copy of the final decisions regarding their pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. Crown shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 3rd day of March, 2000.

By the Commission

ATTEST:

Deputy W. H. Bowber
Executive Director

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
DEC 1 0 1999
PUBLIC SERVICE
COMMISSION

Case No. 99-411UAC

In the matter of:

APPLICATION OF CROWN COMMUNICATION, INC., NPCR, INC. AND
KENTUCKY CGSA, INC. FOR ISSUANCE OF A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO CONSTRUCT A WIRELESS COMMUNICATIONS
FACILITY AT 1100 ARMSTRONG MILL ROAD, LEXINGTON, KENTUCKY 40515

IN THE WIRELESS COMMUNICATIONS AREA

IN THE COMMONWEALTH OF KENTUCKY

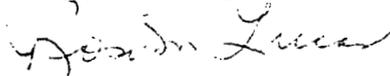
IN THE COUNTY OF FAYETTE

SITE NAME: TATES CREEK

FINDINGS OF THE PLANNING COMMISSION OF THE LEXINGTON-FAYETTE
URBAN COUNTY GOVERNMENT

The Planning Commission of the Lexington-Fayette Urban County
Government approves the above-mentioned application. A written
record of the relevant portions of the meeting in which the
application was considered is attached hereto.

Respectfully submitted



Chairman, Planning Commission

MINUTES FOR THE NOVEMBER 18, 1999, PLANNING COMMISSION MEETING

Subdivision & Zoning Items
(Combined Meeting)

- I. **ATTENDANCE** - The Chair called the meeting to order at 1:01 p.m. on Thursday, November 18, 1999, in the Council Chamber, Second Floor, 200 East Main Street, Lexington, Kentucky. Present were Commission Members Eugene Ballentine, Ben P. Bransom, Jr., Carolyn S. Bratt (left @ 3:50 p.m.), Thomas M. Cooper, Anne D. Davis, Sarah Gregg, Dallam B. Harper, Jr. (arrived at 1:06 p.m.), George L. Logan (arrived @ 1:03 p.m.), Keith Mays, Don Robinson, and Rose M. Lucas, Chair.

Planning Staff in attendance were Director Dale Thoma, Bill Sallee, Linden Smith, Joe Lenney, Jimmy Emmons, Chris Riegert, Stuart Kearns, Doug Greene, David Swenk, Susie Skillman, and Rose Carver. Other government staff members in attendance were Chris Westover, Department of Law; Bob Bayert, Engineering Division; Howard Huggins, Traffic Engineering Division; and Belinda Labadie, Building Inspection Division.

Note: The Chair announced a change in the order of the agenda, noting that at the conclusion of Land Subdivision items, the Commission would first consider "Interpretation of Subdivision Regulations," followed by the Cellular Antenna Tower request. Both of the matters are listed under "Commission Items." At the conclusion of these two matters, the remainder of the agenda would be considered in the regular order.

- II. **APPROVAL OF MINUTES** - The Chair announced that the minutes of the past meetings of September 16, October 21 and October 28, 1999 were distributed with this agenda and were ready for Commission consideration.

Action - A motion was made by Dr. Cooper, seconded by Ms. Bratt and carried 9-0 (Logan, Harper absent at this time), to approve the minutes of the past meetings of September 16, October 21 and October 28, 1999.

- III. **SOUNDING THE AGENDA** - In order to expedite completion of agenda items, the Chair sounded the agenda in regard to any postponements, withdrawals and items requiring no discussion.

A. **Postponements or Withdrawals** - The Chair asked for any items where postponement or withdrawal was being requested. For any such items, the Chair inquired as to any opposition, and the Commission voted on the request. The following items were postponed at this time.

1. **DP 99-93: NDC PROPERTY 7NIT 1 (P-1 AREA) (WELLINGTON WAY)** - Ruccio Way

Representation -Ms. Sara Tuttle, Parrott-Ely-Hurt Engineers, requested a postponement to the December 16 meeting.

Action - A motion was made by Mr. Robinson, seconded by Mr. Bransom and carried 9-0 (Logan, Harper absent), to postpone DP 99-93, to the December 16, 1999 meeting.

(Mr. Logan arrived.)

2. **PLAN 99-250P: LUCILLE C. LITTLE PROPERTY** - 2450 Old Frankfort Pike

Representation -Mr. Rory Kahly, EA Partners, requested a postponement to the December 16 meeting.

Action - A motion was made by Mrs. Gregg, seconded by Dr. Cooper and carried 10-0 (Harper absent), to postpone Plan 99-250P, to the December 16, 1999 meeting.

3. **ZOTA 99-12: PARKING STRUCTURES IN THE B-6P ZONE** - a text amendment proposing to alter the calculation of parking structures and building coverage in the Planned Shopping Center (B-6P) zone.

Representation - Mr. Sallee reported that staff received a letter from the petitioner's attorney asking for a one-month postponement of this proposal.

Objections - There were no objections to the request.

* - Denotes date by which Commission must either approve or disapprove plan.

** - Denotes at least a portion of the property contains an environmentally sensitive area.

VI. COMMISSION ITEMS

- A. CELLULAR ANTENNA TOWER – The Chair announced that the Commission would hold a hearing on the following cellular tower request. (Note: This matter was the second item considered after subdivision items.)

1. CELLULAR ANTENNA TOWER AT 1100 ARMSTRONG MILL ROAD - a request by Crown Communications, Inc. to erect a cellular antenna tower at 1100 Armstrong Mill Road.

Staff Report – Ms. Skillman, Current Planning Section, presented the staff's report on this cell tower request. She made a photo presentation in conjunction with her report that included photos of the subject property, as well as surrounding properties.

This request involves the Lexington Baptist Temple Property on which a cell tower is presently located, but a replacement tower is being proposed. The existing tower is 190 feet high with a 13-foot lightning arrester, for a total of 203 feet. The tower was approved by the Public Service Commission in 1994. The new replacement tower would be 245 feet tall with a 25-foot lightning arrester, for a total of 270 feet in height. The approximate locations of the existing tower and the proposed tower were noted, and Ms. Skillman advised that the existing tower would be removed. She also presented a sketch to illustrate the height of the new tower as compared to the existing tower. Various photographs were shown of abutting residential uses that would be most visually impacted by the tower. She noted that the tower was not readily visible from Tates Creek Road or Parliament Way; however, it was very prominent from Lady Di Lane.

In reviewing this proposal, staff looked at it in relation to the Comprehensive Plan. The Plan does not contain direct statements about cellular antenna towers; thus, it was difficult to draw a direct correlation for making a recommendation. Therefore, staff looked at the Goals and Objectives of the Plan; specifically, Goals IX and XIII, and pertinent objectives. She reviewed these Goals and Objectives, as well as Zoning Ordinance issues, and co-location issues. She pointed out that an important factor to consider was that two towers would be needed to serve this area without the replacement tower. Thus, the taller tower would mean an overall reduction in the number of towers in the immediate vicinity, and it would be less obtrusive than two having two towers of the same size. Based on this, the request is consistent with the Comprehensive Plan and the staff recommended approval, for the following reasons:

1. The proposed tower is to be a replacement of an existing tower that was approved by the Public Service Commission in 1994 over the objections of the Urban County Government. In regard to the existing tower, the Public Service Commission found that the "proposed location appears to be an acceptable site in a highly populated, primarily residential area, and minimizes aesthetic and safety concerns to the extent feasible."
2. The increase in the height of the tower will allow additional cellular telephone carriers to co-locate. Overall, this will result in at least one less tower location in the vicinity.
3. The requested tower is in agreement with the following Goals and Objectives of the Comprehensive Plan:

Goal IX. TO PRESERVE, PROTECT AND ENHANCE EXISTING NEIGHBORHOODS.

Objectives:

- B. Retain the character, identity and appearance of existing residential and non-residential areas.
- H. Maintain, preserve and revitalize existing neighborhoods.
- I. Support and maintain existing neighborhoods to ensure the character and quality of urban life.

Goal XIII. PROVIDE ESSENTIAL PUBLIC FACILITIES FOR URBAN DEVELOPMENTS.

Objectives:

- F. Promote the most effective utilization of all essential public facilities.
- J. Provide adequate opportunities for private non-residential essential public facilities to satisfy the needs of the community.

Representation – Mr. James Amato, attorney for the applicant, guaranteed that the existing tower would be removed if this is approved. He concurred with the staff recommendation, and elaborated on the need for this service and the trend to co-locate antennas on a single tower, thereby preventing the proliferation of towers.

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Rev. Earl Smith, Pastor of the Lexington Baptist Temple, was also present in support of the proposal.

Commission Questions/Comments- Mrs. Gregg inquired about notification in this matter, and Ms. Skillman advised that notices were mailed twice to surrounding neighbors within 500 feet of the tower. The first was sent by the attorneys advising them of the filing, and the second was sent by the staff advising them of today's meeting.

Objections – None

Action – A motion was made by Dr. Cooper, seconded by Mr. Bransom and carried 11-0, for approval of the replacement tower proposal at 1100 Armstrong Mill Road, for the reasons given by the staff, with the condition that the existing tower is demolished.

B. INTERPRETATION OF SUBDIVISION REGULATIONS regarding the gates on Edgewater Drive, located in a single-family residential subdivision served by private streets.

Staff Report – Mr. Sallee presented the staff report on this matter (copy attached) which was brought about by a request from the Law Department to review the applicable sections of the Land Subdivision Regulations as they relate to the requirements of government and utility access on private streets. The Divisions of Fire and Police provided the staff with a list of more than 20 locations in the community where private streets and/or access easements have been gated. Also, the Police and Fire Departments provided a synopsis of the existing gate at this location, indicating that there are some inadequacies in providing access for emergency vehicles.

In this particular location, two recent emergency service calls to Lakeview Island were interrupted by gates, causing a delay in response. For years, the gates were manned by guards to control access, a method which worked well and presented no problems. More recently, however, the guards were replaced by technology, which has led to the issue of whether or not this met the requirement of private streets to provide full and open access by emergency and utility vehicles to these gated communities. Other problems associated with the gates were noted in the staff report.

In summary, the staff found that until existing technology improves beyond the level found in the Lakeview Island gate system, the best means to allow emergency vehicles "full access" would be to leave the gates open, or to employ security guards to control access.

Staff Recommendations: Should the members of the Lakeview Island Association (and possibly the owners of other gates on private streets) pursue the use of only technological means to control access to their streets, the planning staff would offer the following recommendations:

1. ***Provide security guards to control access to private streets.***
Historically, this is how the owners of private streets have controlled access in the past. This would ensure that the LFUCG could provide emergency service at all hours, with little or no interruption to their emergency runs.
2. ***Research new technologies that may provide the same response as security guards for emergency vehicles.***
This would provide the opportunity for dialogue between neighborhoods and the LFUCG police and fire departments, and allow consideration of future technologies that may prove more reliable than that currently in place.
3. ***Research the technology allowed in other U. S. cities and counties for "gated communities."***
This is primarily a function for the Urban County Government, and might ultimately require amendments to the Code of Ordinances, the Zoning Ordinance and/or the Subdivision Regulations.

Mr. Sallee also circulated a letter from The Island Association dated November 4, 1999, asserting that they were in compliance with the existing Subdivision Regulations.

Comments from Police & Fire Departments

Fire Chief Bill Holleran stated that their position is to try to reduce the amount of response time anywhere in the community, regardless of whether a street is gated or not. He described the concerns with ramming gates--possible damage to vehicles and employees, as well as the gates themselves. As Fire Chief, he is charged with the health and safety of the people in this community, and he said they would

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Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

November 1, 1999

Mr. Charles Warren
108 Amy Lane
Georgetown, KY 40324

Re: Case Number 99-411 UAC

Dear Mr. Warren:

Thank you for your letter of October 25, stating your concerns regarding the utility construction proposed in the above-referenced case. Your letter has been placed in the official case file of this proceeding. Please be assured that the Commission will carefully scrutinize this matter before rendering a final decision.

It may be helpful for you to know the state authority, specifically that of the Public Service Commission, in this matter has been limited by federal law. For example, Section 704 of the federal Telecommunications Act of 1996 prohibits this Commission from regulating the placement of wireless facilities on the basis of environmental effects of the radio frequency emissions to the extent that facilities comply with Federal Communications Commission regulations. Section 704 also prohibits a state or local government from prohibiting telecommunications facilities construction if such denial will have the effect of prohibiting service. In addition, this Commission is required by statute to ensure that utility service, including telecommunications service, is adequate and reliable. The Commission does, however, consider appropriate placement of necessary facilities within applicable engineering boundaries. It also pursues a policy of collocation of facilities whenever possible.

Also, please be advised that this Commission is prohibited by law from releasing information contained in this application other than "information that specifically identifies the proposed location of the cellular antenna tower then being reviewed by the applying utility." KRS 278.665. The statute states that such information is "deemed confidential and proprietary", and that the Commission "shall deny any public request for the inspection of this information...except when ordered to release the information by a



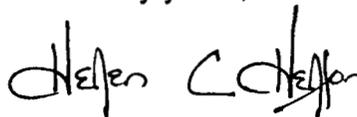
Charles Warren
November 1, 1999
Page 2 of 2

court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree..." Id.

You may contact the applying utility and request additional information. Before supplying such information, the utility may require you to enter into an agreement specifying that you will not release the information to other persons. The attorney of record for the applying utility in this case is Brent W. Rice, Counsel for Nextel Partners, McBrayer, McGinnis, Leslie & Kirkland, 163 W. Short St., Lexington, KY, 40507-1361. You may reach Mr. Rice at 606-231-8780.

Once again, thank you for your interest and concern.

Sincerely yours,



Helen C. Helton
Executive Director

HCH/lc





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Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

October 28, 1999

Ms. Mary E. Cook
1161 Parliament Way
Lexington, KY 40517

Re: Case Number 99-411 UAC

Dear Ms. Cook:

Thank you for your letter of October 18, stating your concerns regarding the utility construction proposed in the above-referenced case. Your letter has been placed in the official case file of this proceeding. Please be assured that the Commission will carefully scrutinize this matter before rendering a final decision.

It may be helpful for you to know the state authority, specifically that of the Public Service Commission, in this matter has been limited by federal law. For example, Section 704 of the federal Telecommunications Act of 1996 prohibits this Commission from regulating the placement of wireless facilities on the basis of environmental effects of the radio frequency emissions to the extent that facilities comply with Federal Communications Commission regulations. Section 704 also prohibits a state or local government from prohibiting telecommunications facilities construction if such denial will have the effect of prohibiting service. In addition, this Commission is required by statute to ensure that utility service, including telecommunications service, is adequate and reliable. The Commission does, however, consider appropriate placement of necessary facilities within applicable engineering boundaries. It also pursues a policy of collocation of facilities whenever possible.

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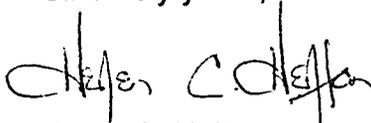
Mary E. Cook
October 28, 1999
Page 2 of 2

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Once again, thank you for your interest and concern.

Sincerely yours,



Helen C. Helton
Executive Director

HCH/lc





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Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

October 28, 1999

Mr. Lloyd McCarthy
Crown Communication Inc.
11001 Bluegrass Parkway, Suite 330
Louisville, KY 40299

RE: Case Number 99-411 UAC

Dear Mr. McCarthy:

I have enclosed copies of protest by Charles Warren and Mary E. Cook for your information.

Sincerely,

Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/lc

c: The Honorable Sam McNamara
The Honorable David A. Pike
Steve Skinner

Enclosure





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Ronald B. McCloud, Secretary
Public Protection and
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Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

October 26, 1999

Mr. Richard Guittar
1650 Lyndon Farms Ct.
Louisville, KY 40223

RE: Case Number 99-411 UAC

Dear Mr. Guittar:

I have enclosed a copy of protest by Mary E. Cook for your information.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/lc

c: The Honorable Sam McNamara
The Honorable David A. Pike
Steve Skinner

Enclosure





COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

October 26, 1999

To: All parties of record

RE: Case No. 99-411 UAC
KENTUCKY CGSA, INC., DBA BELLSOUTH MOBILITY, WESTEL-MILWAUKEE, BSC

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure

Lloyd McCarthy
Crown Communication Inc.
11001 Bluegrass Parkway, Suite 330
Louisville, KY. 40299

Richard Guittar
Director-Operations/Engineering
BellSouth Mobility
1650 Lyndon Farms Court
Louisville, KY. 40223

Honorable Sam G. McNamra
Attorney at Law
McNamara & Jones
315 High Street
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Honorable David A. Pike
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Honorable W. Brent Rice
Attorney at Law
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Lexington, KY. 40507 1361

Steve Skinner
Manager of External Affairs
Kentucky CGSA, Inc., dba Bellsouth
Mobility, Westel-Milwaukee, BSCC of IN
1100 Peachtree Street
Room 809
Atlanta, GA. 30309

FOR THE PUBLIC RECORD

RECEIVED

OCT 13 1999

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.,)
NPCR, INC. AND KENTUCKY CGSA, INC.)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT)
1100 ARMSTRONG MILL ROAD, LEXINGTON, KY 40515)
IN THE WIRELESS COMMUNICATIONS LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF FAYETTE)

CASE NO.: 99-411 UAC

FILED

OCT 13 1999

PUBLIC SERVICE
COMMISSION

SITE NAME: TATES CREEK
SITE NUMBER: KY 114

Crown Communication Inc.; and NPCR, INC. d/b/a Nextel Partners and Kentucky CGSA, Inc., d/b/a BellSouth Mobility, Inc. as licensed public utilities in the Commonwealth of Kentucky, make this application.

The property on which the wireless communication facility ("WCF") will be located is at 1100 Armstrong Mill Road, Lexington, Kentucky, 40515. The WCF site is geographically positioned at 37° 58' 46. 75" North latitude, 84° 29' 36. 22" West longitude.

From the Desk
Of
Charles Warren
108 Amy Lane
Georgetown, KY 40324

~~94-237~~
99-41114A

RECEIVED

OCT 25 1999

PUBLIC SERVICE
COMMISSION

October 21, 1999

To Whom It May Concern:

I am writing in reference to a letter I received about the 270 ft. tower to be installed at 1100 Armstrong Mill, Lexington, KY.

I do not approve of this proposed tower installation in a residential area. The residential area is a nice place and would be damaged by the presence of the tower.

Sincerely,



Charles Warren

RECEIVED

October 15, 1999

OCT 18 1999

Re: Case No. 99-411 UAC

Dear Sirs
PUBLIC SERVICE
COMMISSION

I am very much against the erection of a tower in our neighborhood. This is a residential area and should not be used for such structures. We do still have some rural areas fairly close to Lexington, which is where these structures should be built.

Please take our situation into consideration when making a decision on this.

Sincerely,
Mary E. Cook
1161 Parliament Way
Lexington, Ky 40517



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

October 15, 1999

To: All parties of record

RE: Case No. 99-411 UAC
KENTUCKY CGSA, INC., DBA BELLSOUTH MOBILITY, WESTEL-MILWAUKEE, BSC
(Construct) CELL SITE - 1100 ARMSTRONG MILL ROAD - LEXINGTON

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received October 13, 1999 and has been assigned Case No. 99-411. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/jc

Lloyd McCarthy
Crown Communication Inc.
11001 Bluegrass Parkway, Suite 330
Louisville, KY. 40299

Richard Guittar
Director-Operations/Engineering
BellSouth Mobility
1650 Lyndon Farms Court
Louisville, KY. 40223

Honorable Sam G. McNamra
Attorney at Law
McNamara & Jones
315 High Street
P. o. Box 916
Frankfort, KY. 40602

Honorable David A. Pike
Attorney at Law
Pike Legal Group
200 South Buckman Street
P. O. box 369
Shepherdsville , KY. 40165 0369

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Lexington, KY. 40507 1361

Steve Skinner
Manager of External Affairs
Kentucky CGSA, Inc., dba Bellsouth
Mobility, Westel-Milwaukee, BSCC of IN
1100 Peachtree Street
Room 809
Atlanta, GA. 30309

FOR THE PUBLIC RECORD

RECEIVED

OCT 13 1999

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF CROWN COMMUNICATION INC.,)
NPCR, INC. AND KENTUCKY CGSA, INC.)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT)
1100 ARMSTRONG MILL ROAD, LEXINGTON, KY 40515)
IN THE WIRELESS COMMUNICATIONS LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF FAYETTE)

CASE NO.: 99-411 UAC

FILED

OCT 13 1999

PUBLIC SERVICE
COMMISSION

SITE NAME: TATES CREEK
SITE NUMBER: KY 114

Crown Communication Inc.; and NPCR, INC. d/b/a Nextel Partners and Kentucky CGSA, Inc., d/b/a BellSouth Mobility, Inc. as licensed public utilities in the Commonwealth of Kentucky, make this application.

The property on which the wireless communication facility ("WCF") will be located is at 1100 Armstrong Mill Road, Lexington, Kentucky, 40515. The WCF site is geographically positioned at 37° 58' 46.75" North latitude, 84° 29' 36.22" West longitude.